

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 98-849

July 30, 1999

BANGOR HYDRO-ELECTRIC COMPANY  
Request to Construct Transmission Line  
of 100 or More Kilovolts (a 115KV Line  
Between Veazie and Orrington)

ORDER APPROVING  
STIPULATION

WELCH, Chairman, NUGENT and DIAMOND, Commissioners

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Pursuant to 35-A M.R.S.A. § 3132, we grant Bangor Hydro-Electric Company a certificate of public convenience and necessity to construct a 115 kilovolt transmission line from Veazie to Orrington.

On March 18, 1999, Bangor Hydro-Electric Company (BHE) filed a petition seeking a certificate to build a 115 kilovolt transmission line. BHE states that the line is necessary to provide adequate transmission capacity to allow the Maine Independence Station (MIS), a 520-megawatt gas-powered generating plant now under construction, to be connected to the New England power grid. The total length of the line will be approximately 7.25 miles, following a route along two existing 115 kV lines. BHE states that the proposed route is the most direct and will help minimize environmental and visual impacts. BHE plans to use H-frame construction with two 795 MCM ACSR bundled conductors per phase. The estimated cost of the line is \$3.8 million. BHE anticipates that the line will be classified as a pool transmission facility (PTF) and thereby one-half of construction cost will be supported financially by NEPOOL, while the other half of the construction costs will be borne directly by MIS.

After notice of the proceeding was issued and published, petitions to intervene were filed on behalf of the Office of Public Advocate (OPA) and Vanessa Shirland. Ms. Shirland is a landowner of property contiguous to the corridor where the proposed line will be built. Both petitions to intervene were granted.

After discovery and technical conferences, BHE and the OPA filed a stipulation, recommending that the Commission issue a certificate for public convenience and necessity allowing BHE to build the proposed transmission line. Ms. Shirland did not join the stipulation.

A hearing was held on the stipulation on July 20, 1999. At that time, Ms. Shirland stated the reasons that she did not join the stipulation. The proposed and existing 115 kV transmission lines terminate at the Orrington substation, which is adjacent to Ms. Shirland's property. The substation has caused a significant noise problem at the Shirland residence and she is concerned that the additional 115 kV transmission line will increase the noise problem.

At the hearing, representatives from BHE agreed that transformers and reactors at the substation have caused a significant noise problem, such that before May 1999, noise level measurements indicated that BHE was violating Department of Environmental Protection (DEP) regulations. Because of this violation, BHE constructed wooden and concrete walls next to the substation in order to muffle the sounds. Ms. Shirland agreed that the wall barriers significantly improved the problem, but that the benefits from the barriers were greatly reduced this summer when the Maritimes and Northeast Pipeline construction, which uses the same corridor, caused the removal of many trees and other vegetation.

BHE engineers stated that the proposed 115 kV transmission line should not noticeably affect the noise problems at the substation. In fact, the presence of the MIS generation plant will likely decrease the problem because the reactors at the substation should operate less often when the MIS plant operates.

As the noise problem will either be unaffected or mitigated by the presence of the new 115 kV transmission line, we find that the attached stipulation should be approved. The parties agree, and we find, that BHE has demonstrated the need for the proposed 115 kV transmission line and that BHE's proposed construction route is the most reasonable alternative.

Although beyond the scope of this proceeding, at the hearing BHE committed to measure the noise levels again at the Shirland property and that at a minimum, to eliminate any violations of DEP regulations. BHE also agreed to investigate, in conjunction with Maritimes and Northeast, replanting trees or other vegetation in the area where the Maritimes and Northeast removed trees and other vegetation. BHE should report to the Commission about these matters after construction is complete or no later than November 30, 1999.

Accordingly, we approve the stipulation and grant Bangor Hydro-Electric Company a certificate of public convenience and necessity to construct a 115 kV transmission line from Orrington to Veazie.

Dated at Augusta, Maine, this 30<sup>th</sup> day of July, 1999.

BY ORDER OF THE COMMISSION

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Raymond Robichaud  
Assistant Administrative Director

COMMISSIONERS VOTING FOR:      Welch  
   Nugent  
   Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.

STATE OF MAINE  
PUBLIC UTILITIES COMMISSION

Docket No. 98-849

June , 1999

BANGOR HYDRO-ELECTRIC COMPANY  
Request to Construct a Transmission Line of  
100 or More Kilovolts Between Veazie and  
Orrington

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1. It is the purpose of this Stipulation to settle all issues connected with the above-captioned proceeding, in order to avoid lengthy litigation and to expedite the processing of this proceeding before the Maine Public Utilities Commission (the "Commission").
2. The parties agree that the construction of the proposed 115 KV transmission line from Orrington to Veazie is necessary and convenient to permit the Company to provide safe, reasonable and adequate service. The parties further agree that the Commission should issue a Certificate of Public Convenience and Necessity pursuant to 35-A M.R.S.A. §3132 for the construction of said line.
3. The record in this proceeding shall consist of the Company's initial filing and all responses to data requests.
4. If the Commission rejects any part of this Stipulation, the entire Stipulation shall be void unless reaffirmed by the parties as amended.
5. Except as specifically provided herein, the making of this Stipulation by the parties shall not constitute precedent as to any matter of law or fact, nor, except as provided otherwise herein, shall it foreclose the Company, the Staff or any intervenor from making any contention or exercising any right, including rights of appeal, in any other Commission proceeding or investigation or any other trial or action.
6. The making of this Stipulation by the parties shall constitute precedent that as of the date of the Commission's order approving this Stipulation it was prudent for the Company to construct the proposed 115 KV transmission line from Orrington to Veazie.

Dated: June , 1999

for Bangor Hydro-Electric Company

June , 1999

for the Public Advocate

June , 1999

Vanessa Shirland